



October 27, 2017

The Honorable Nicholas G. Garaufis  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Batalla Vidal et al. v. Duke et al.*, No. 16cv4756 (NGG) (JO)

Dear Judge Garaufis:

The *Batalla Vidal* Plaintiffs request clarification regarding this Court's Order issued on October 24, 2017. The Order directed the parties to submit "a supplemental brief explaining why the court lacks jurisdiction to consider the claims raised in *Batalla Vidal* . . . or why such claims are otherwise non-justiciable." That Order followed one from the Second Circuit that deferred resolution of Defendants' mandamus petition "until such time as the district court has considered and decided expeditiously issues of jurisdiction and justiciability."

On October 27, 2017, Defendants filed a motion to dismiss. *See* Defs.' Mot. to Dismiss, ECF No. 95; Mem. of Law in Supp., ECF No. 95-1. In addition to arguing that the case is not justiciable and should therefore be dismissed under Rule 12(b)(1), *see* Mem. at 12-22, Defendants assert that Plaintiffs' claims should be dismissed under Rule 12(b)(6), *see id.* at 22-40, and that the Court "should dismiss the request for nationwide relief," *id.* at 40.

In light of the scope of Defendants' arguments for dismissal and the compressed timeframe for briefing, Plaintiffs respectfully request clarification regarding whether Plaintiffs should address Defendants' arguments that go beyond those this Court directed them to brief—in particular, those arguments appearing under Roman Numerals II and III in Defendants' Memorandum of Law.

If the answer to that question is in the affirmative, Plaintiffs respectfully request leave to file a memorandum of law that exceeds the 25-page limit that would otherwise apply by 15 pages, for a total of 40 pages. Prior to filing this letter, Plaintiffs' counsel requested Defendants' position on Plaintiffs' alternative request for additional pages, but have not yet received a response at the time of this filing.

Respectfully submitted,

/s/ Mayra B. Joachin

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